

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

BELINDA KAY ALBERALLA,

Plaintiff,

v.

ORDER
13-CV-881A

CAROLYN W. COLVIN,
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

The above-referenced case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1)(B). Plaintiff filed a motion for judgment on the pleadings (Dkt. No. 17), and the Commissioner filed a cross-motion (Dkt. No. 18) for similar relief. Oral argument was held before Magistrate Judge Scott on July 10, 2014. On August 22, 2014, Magistrate Judge Scott filed a Report and Recommendation, recommending that plaintiff's motion for judgment on the pleadings (Dkt. No. 17) be granted in part, and the case be remanded for completion of the medical record and reassessment of the plaintiff's mental and physical disability. Magistrate Judge Scott further recommended plaintiff's motion, to the extent it requests other relief, be denied.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, plaintiff's motion for

judgment on the pleadings (Dkt. No. 17) is granted, and the case is remanded for full development of the medical record and reassessment of disability. To the extent that plaintiff's motion requests any other relief, it is denied.

The Clerk of Court shall take all steps necessary to close the case.

IT IS SO ORDERED.

Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: October 20, 2014